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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,044	06/25/2003	Bobby John Anderson	5152-001	3689

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COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,044

Applicant(s)

ANDERSON ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-20 is/are rejected.
- 7) ☒ Claim(s) 4-6, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some.* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/2003
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Priority

No priority claimed.

Information Disclosure Statement

The information disclosure statement (IDS) filed 6/25/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6123141, Kirk.

In regards to claim 1, Kirk discloses a securing device comprising:

- a) a hold-down member (14) and applies a downward force; and
- b) wherein the hold-down member includes first and second ends that secure to the ground on opposing sides of a sewer inlet to secure the hold-down device.

In regards to claim 2, Kirk discloses the hold-down device comprising a flexible strap.

In regards to claim 3, Kirk discloses ground penetrating members (12) to secure the first and second ends of the flexible strap to the ground.

Claims 1-5, 7-9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4338045, Cour.

In regards to claim 1, Cour discloses a securing device comprising:

- a) a hold-down member (3) and applies a downward force; and
- b) wherein the hold-down member includes first and second ends (3c1, 3c2)

that secure to the ground on opposing sides of a sewer inlet to secure the hold-down device.

In regards to claim 2, Cour discloses the hold-down device comprising a flexible strap.

In regards to claim 3, Cours discloses ground penetrating members (21, 22) to secure the first and second ends of the flexible strap to the ground.

In regards to claim 4, Cours discloses the flexible strap including grommets in the first and second ends to receive the ground penetrating members.

In regards to claim 5, Cours discloses the ground penetrating members comprising ground stakes adapted to pass through the grommets in the first and second ends of the flexible strap.

In regards to claim 7, Cours discloses the flexible strap being adjustable (by bending it) in length.

In regards to claim 8, Cours discloses a hold-down block (4) interposed between the hold-down member and the sewer drain line.

In regards to claim 9, Cours discloses the hold-down block comprising a surface shaped to conform to the sewer drain line.

In regards to claim 17, Cours discloses a hold-down block interposed between the hold-down member and the sewer drain line.

Claims 1-3 and 7-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 1736807, Thomas.

In regards to claim 1, Thomas discloses a securing device line, the securing device comprising:

- a) a hold-down member (3) that passes over the top of the line and applies a downward force to the sewer drain line; and
- b) wherein the hold-down member includes first and second ends that secure to the ground on opposing sides of the sewer inlet to secure the hold-down device.

In regards to claim 2, Thomas discloses the hold-down device comprising a flexible strap.

In regards to claim 3, Thomas discloses ground penetrating members to secure the first and second ends of the flexible strap to the ground.

In regards to claim 7, Thomas discloses the flexible strap being adjustable (by bending it) in length.

In regards to claim 8, Thomas discloses a hold-down block (1) interposed between the hold-down member and the line.

In regards to claim 9, Thomas discloses the hold-down block comprising a surface shaped to conform to the line.

In regards to claim 10, Thomas discloses the hold-down block further comprising a channel through which the flexible strap passes.

In regards to claim 11, Thomas discloses the channel comprising a slot passing transversely through the hold-down block.

In regards to claim 12, Thomas discloses the hold-down member comprises a U-shaped wicket having a cross-member that passes over the top of the line and a pair of opposed legs that insert into the ground on opposing sides of the line.

In regards to claim 13, Thomas discloses the cross member having a raised section (apex) disposed centrally in the cross member forming a grip for inserting the wicket into and removing the wicket from the ground.

In regards to claim 14, Thomas discloses a hold-down block interposed between the hold-down member and the line.

In regards to claim 15, Thomas discloses the hold-down block comprising a surface shaped to conform to the sewer drain line.

In regards to claim 16, Thomas discloses the hold-down block further comprising a pair of vertically extending leg holes through which the opposed legs of the wicket extend.

In regards to claim 17, Thomas discloses a hold-down block interposed between the hold-down member and the line.

Art Unit: 3679

In regards to claim 18, Thomas discloses the hold-down block including at least one opening through which the hold-down member extends.

Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4844121, Duke.

In regards to claim 19, Duke discloses a method (col. 2, line 35 through col. 3, line 28) of securing a sewer drain line for a recreational vehicle within a sewer inlet, the method comprising:

- a) passing a hold-down member (24) having opposing ends over the top (of the circumference) of the sewer drain line; and
- b) securing the opposing ends of the hold-down member to the ground on opposing sides of the sewer inlet such that the hold-down member applies a downward securing force to the sewer drain line.

In regards to claim 20, Duke discloses the hold-down member comprising a flexible strap.

Allowable Subject Matter

Claims 4-6, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

amd


Anthony Knight
Supervisory Patent Examiner
Group 3600